

Benjamin Davis
Name
152106
Prison Number
Anch Jail
Place of confinement
1400 E 4th ave
Mailing address
ANCH AK 99501
City, State, Zip
N/A
Telephone

RECEIVED

SEP 19 2023

CLERK, U.S. DISTRICT COURT
ANCHORAGE, AK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Benjamin Davis,
(Enter full name of plaintiff in this action)

Plaintiff,

vs.

Dept of Corrections,
Superintendent Hernandez,
Et al

(Enter full names of defendant(s) in this action.
Do NOT use et al.)

Defendant(s).

Case No. 3:23-cv-00220-SLG
(To be supplied by Court)

PRISONER'S
COMPLAINT UNDER
THE CIVIL RIGHTS ACT
42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3).

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of BENJAMIN DAVIS,
(print your name)
who presently resides at 1400 E 4th Anch AK,
(mailing address or place of confinement)

were violated by the actions of the individual(s) named below.

2. **Defendants** (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Superintendent Hernandez is a citizen of AK, and is employed as a superintendent Arch Vail.
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, Officer Hill is a citizen of AK, and is employed as a SOA Arch Vail.
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, _____ is a citizen of _____, and is employed as a _____.
(state) (name) (defendant's government position/title)

☐ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

*****REMINDER*****

**You must exhaust your administrative remedies before your claim can go forward.
THE COURT MAY DISMISS ANY UNEXHAUSTED CLAIMS.**

C. Causes of Action (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

Claim 1: On or about 9/1/23, my civil right to

Cruel and Unusual Punishment (Date)

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

was violated by Superintendent Hernandez
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 1. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

9-1-23

He is directly involved because he is the
superintendent of the Anchorage Jail Complex East
and West sides at 1300 and 1400 E. 4th Ave Anch, AK.
While being being wrongfully being housed in
segregation as an Ad 5-5 for protective custody where
no one has any disciplinary writeup so we are locked up
for 23 hrs a day with no TV or getting out of
your cells. Also I am a 75 yr old man in a wheelchair
and sometimes I lose control of my bowels and officer
He has made me sit in soiled clothes for up to
six hours with no shower or clean clothes.

Claim 2: On or about 9/1/23, my civil right to
(Date)
Cruel and Unusual Punishment, Eighth Amendment
(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

was violated by Officer Hill
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 2. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

On 9/1/23 while in my cell 8 at the Anch
Fair officer Hill came to my cell while I was
asleep and took my wheelchair and replaced it
with a walker, I sent a RFE to medical to get a
Blue card for my wheelchair which they gave me
an order for 365 days. He took away my ADP cell
and said you don't need one. Then I have a Blue
Card for Extra Bed Roll and I had extra blankets
cause it's cold in the cell and he took them and
you can't have extra Bedding. This C.O Hill is
prejudice and racist. On 9/10/23 Mr Kevin a 73 yr
old male in a wheelchair sometimes lose control
of his bowels and officer Hill makes him sit in
poop for up to 6 hrs in soiled clothes without
taking a shower.

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

Supporting Facts (Briefly describe facts you consider important to Claim 3. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 3.):

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

D. Previous Lawsuits

1. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action, **or otherwise relating to your imprisonment**? _____ Yes _____ No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): Ben Davis

Defendant(s): Anchorage Medical Dept

Name and location of court: U.S. District Court

Docket number: 00203 Name of judge: MPK

Approximate date case was filed: 9/9/23 Date of final decision: _____

Disposition: _____ Dismissed _____ Appealed X Still pending

Issues Raised: Medical Care

b. Lawsuit 2:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: _____ Dismissed _____ Appealed _____ Still pending

Issues Raised: _____

3. Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

_____ Yes X No

If your answer is "Yes," describe each lawsuit on the next page.

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

4. Are you in imminent danger of serious physical injury? ___ Yes 4 No

If your answer is "Yes," please describe how you are in danger, without legal argument/authority: _____

F. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ 150,000.00
2. Punitive damages in the amount of \$ 150,000.00
3. An order requiring defendant(s) to _____
4. A declaration that _____
5. Other: _____

Plaintiff demands a trial by jury. X Yes _____ No

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at Anch AK on 9/15/23
(Location) (Date)
Ben Davis
(Plaintiff's Signature)

Original Signature of Attorney (if any) (Date)

Attorney's Address and Telephone Number

Benjamin Davis 152106
Anchorage Correctional Complex
East
1400 E 4th ave
Anch, AK

99501



quadrant
FIRST-CLASS MAIL
1M
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